

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

**TERRI PAIGE RILEY**

**PLAINTIFF**

**VS.**

**CAUSE NO. 3:09CV674HTW-LRA**

**BLUE CROSS & BLUE SHIELD OF  
MISSISSIPPI AND THE ELECTRIC  
POWER ASSOCIATION OF MISSISSIPPI  
GROUP BENEFITS TRUST**

**DEFENDANTS**

**BLUE CROSS BLUE SHIELD OF MISSISSIPPI,  
A MUTUAL INSURANCE COMPANY'S JOINDER IN  
THE ELECTRIC POWER ASSOCIATIONS OF MISSISSIPPI GROUP BENEFITS  
TRUST PLAN'S MOTION FOR SUMMARY JUDGMENT**

Blue Cross Blue Shield of Mississippi, a Mutual Insurance Company, joins in the Motion for Summary Judgment filed by The Electric Power Associations of Mississippi Group Benefits Trust Plan on November 2, 2010 [Docket No. 30 (Motion) and 31 (Memorandum)].

Blue Cross, as Third Party Administrator of the Plan filed its own Motion for Summary Judgment on February 23, 2010. [Docket No. 13 (Motion), No. 15 (Memorandum) and No. 20 (Rebuttal)].

Blue Cross does not waive its Summary Judgment Motion based on the legal proposition that as a Third Party Administrator, not Plan Administrator or Fiduciary, it is not a proper party to this ERISA action. In the alternative, Blue Cross adopts the substantive legal arguments presented by The Electric Power Associations of Mississippi Group Benefits Trust Plan in its Motion and Memorandum.

ACCORDINGLY, the Plaintiff's Complaint should be dismissed with prejudice as against Blue Cross Blue Shield of Mississippi, a Mutual Insurance Company.

This the 2nd day of November, 2010.

Respectfully submitted,

BLUE CROSS BLUE SHIELD OF MISSISSIPPI,  
A MUTUAL INSURANCE COMPANY

By: *s/ Cheri D. Green*  
One of Its Attorneys

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record who are currently on the list to receive e-mail notices for this case.

This the 2<sup>nd</sup> day of November, 2010.

*s/ Cheri D. Green*  
Cheri D. Green